

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RECEIVED

JAN 30 2014

Deidre K. Green

(Name of the plaintiff or plaintiffs)

v.  
City of Chicago,  
a municipal corporation

(Name of the defendant or defendants)

THOMAS G BRUTON  
CLERK, U.S. DISTRICT COURT

CIVIL ACTION

I 1:14-cv-00686

Judge George M. Marovich  
Magistrate Judge Sidney I. Schenkier

**COMPLAINT OF EMPLOYMENT DISCRIMINATION**

1. This is an action for employment discrimination.

2. The plaintiff is Deidre K. Green of the county of COOK in the state of ILLINOIS.

3. The defendant is City of Chicago, a municipal Corporation whose street address is 121 North La Salle Street,

(city) Chicago (county) COOK (state) ILLINOIS (ZIP) 60602

(Defendant's telephone number) (312) - 745-5000

II The plaintiff sought employment or was employed by the defendant at (street address)

3510 South Michigan Avenue (city) Chicago

(county) COOK (state) IL (ZIP code) 60653

5. The plaintiff [check one box]

(a)  was denied employment by the defendant.

(b)  was hired and is still employed by the defendant.

(c)  was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) April, (day) 11, (year) 2008 - 2010.

7.1 (*Choose paragraph 7.1 or 7.2, do NOT complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box]

has not  has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i)  the United States Equal Employment Opportunity Commission, on or about (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.
- (ii)  the Illinois Department of Human Rights, on or about (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached.  YES.  NO,

**but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

*March 16, 2009, September 24, 2009*  
 Yes (month) March (day) 15 (year) 2010

No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) September

(day) 19 (year) 2012.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

YES  NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

YES  NO, but a copy will be filed within 14 days.

8. (*Complete paragraph 8 only if defendant is not a federal governmental agency.*)

(a)  the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b)  the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) November (day) 4 (year) 2013 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

- (a)  Age (Age Discrimination Employment Act).  
(b)  Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).  
(c)  Disability (Americans with Disabilities Act or Rehabilitation Act)  
(d)  National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).  
(e)  Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).  
(f)  Religion (Title VII of the Civil Rights Act of 1964)  
(g)  Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a)  failed to hire the plaintiff.  
(b)  terminated the plaintiff's employment.  
(c)  failed to promote the plaintiff.  
(d)  failed to reasonably accommodate the plaintiff's religion.  
(e)  failed to reasonably accommodate the plaintiff's disabilities.  
(f)  failed to stop harassment;  
(g)  retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;  
(h)  other (specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. The facts supporting the plaintiff's claim of discrimination are as follows:

EEOC has determined I was subjected to sexual harassment, Race discrimination and retaliated against after reporting it to the City of Chicago, Office of Compliance.

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury.  YES  NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a)  Direct the defendant to hire the plaintiff.  
(b)  Direct the defendant to re-employ the plaintiff.  
(c)  Direct the defendant to promote the plaintiff.  
(d)  Direct the defendant to reasonably accommodate the plaintiff's religion.  
(e)  Direct the defendant to reasonably accommodate the plaintiff's disabilities.  
(f)  Direct the defendant to (specify): \_\_\_\_\_

- (g)  If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.  
(h)  Grant such other relief as the Court may find appropriate.

Desiree K. Green

Plaintiff's signature

Desiree K. Green

Plaintiff's name

Plaintiff's street address

1843 South Kedzie, Avenue

City Chicago

State ILLINOIS ZIP 60623

Plaintiff's telephone number (773) 999-8005

Date: 1/30/2004

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

<input type="checkbox"/>	FEPA
<input checked="" type="checkbox"/>	EEOC

440-2009-03400

**Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Deidre K. Green**

Home Phone (Incl. Area Code)

Date of Birth

**03-06-1967**

Street Address

City, State and ZIP Code

**1843 S. Kedzie Ave. 1st Fl, Chicago, IL 60623**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**CHGO FIRE DEPT**

No. Employees, Members

Phone No. (Include Area Code)

**500 or More****(312) 745-3705**

Street Address

City, State and ZIP Code

**10 West 35th Street, 14th Floor, Chicago, IL 60616**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

**DISCRIMINATION BASED ON (Check appropriate box(es).)**

<input checked="" type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input type="checkbox"/> SEX	<input type="checkbox"/> RELIGION	<input type="checkbox"/> NATIONAL ORIGIN
<input type="checkbox"/> RETALIATION	<input type="checkbox"/> AGE	<input type="checkbox"/> DISABILITY	<input type="checkbox"/> OTHER (Specify below.)	

**DATE(S) DISCRIMINATION TOOK PLACE**

Earliest

Latest

**03-16-2009** CONTINUING ACTION**THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s):**

I began my employment with Respondent in or around 1989. My most recent position is Field Payroll Auditor. During my employment I have been subjected to discipline and suspension while non-Blacks are not disciplined or suspended.

I believe I was discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.

**RECEIVED EEOC**

MAR 16 2009

**CHICAGO DISTRICT OFFICE**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

**NOTARY – When necessary for State and Local Agency Requirements**

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

**Mar 16, 2009***Deidre K. Green*

Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

 FEPA EEOC

440-2009-07053

**Illinois Department Of Human Rights**

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Deidre K. Green**

Home Phone (Incl. Area Code)

(773) 456-9905

Date of Birth

03-06-1967

Street Address

City, State and ZIP Code

**1843 South Kedzie, Chicago, IL 60623**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**CITY OF CHICAGO FIRE DEPARTMENT**

No. Employees, Members

Phone No. (Include Area Code)

201 - 500

(312) 745-3705

Street Address

City, State and ZIP Code

**10 West 35th Street, Chicago, IL 60616**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

**DISCRIMINATION BASED ON (Check appropriate box(es).)**

RACE     COLOR     SEX     RELIGION     NATIONAL ORIGIN  
 RETALIATION     AGE     DISABILITY     OTHER (Specify below.)

**DATE(S) DISCRIMINATION TOOK PLACE**

Earliest

Latest

09-24-2009

 CONTINUING ACTION**THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s):**

I began my employment with Respondent in or around 1989. My current position is Field Payroll Auditor. On or about March 16, 2009, I filed an EEOC complaint (EEOC No. 440-2009-03400) against Respondent alleging race discrimination. Subsequently, I have been subjected to continuous harassment, denied my vacation time, and threatened that my upcoming merit increase will be withheld from me.

I believe I am being retaliated against for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.

**RECEIVED EEOC**

OCT 21 2009

**CHICAGO DISTRICT OFFICE**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

*9-25-09 Deidre Green*

Date

Charging Party Signature

SUBSCRIBED AND SWEARN TO BEFORE ME THIS DATE  
(month, day, year)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.		AGENCY <input type="checkbox"/> IDHR  <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER <i>440-2010-02912</i>
Illinois Department of Human Rights and EEOC			
NAME (indicate Mr. Ms. Mrs.) <b>MS. DEIDRE GREEN</b>		HOME TELEPHONE (include area code) <b>(773) 456-9905</b>	
STREET ADDRESS <b>1843 S. KEDZIE</b>		CITY, STATE AND ZIP CODE <b>CHICAGO, ILLINOIS 60623</b>	DATE OF BIRTH <b>03-06-1967</b>
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME CITY OF CHICAGO FIRE DEPARTMENT		NUMBER OF EMPLOYEES, MEMBERS 15+500	TELEPHONE (Include area code) <b>312.745.3705</b>
STREET ADDRESS 10 W. 35 <sup>TH</sup> STREET		CITY, STATE AND ZIP CODE CHICAGO, IL. 60616	
NAME		TELEPHONE (include area code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY
CAUSE OF DISCRIMINATION BASED ON: SEXUAL HARASSMENT and RETALIATION		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) <b>07 / 08</b>  <input checked="" type="checkbox"/> X CONTINUING ACTION	
THE PARTICULARS ARE (if additional space is needed attach extra sheets) SEE ATTACHED PAGES			
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME ON THIS	
		NOTARY SIGNATURE	MONTH DATE-YEAR
		<i>X Deidre Green 3-15-10</i>	
NOTARY SEAL		SIGNATURE OF COMPLAINANT	DATE
I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.			



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Chicago District Office**

500 West Madison Street, Suite 2000

Chicago, IL 60661

Intake Information Group: (800) 669-4000

Intake Information Group: (800) 669-6820

Chicago Direct Dial: (312) 869-8000

Chicago TTY: (312) 869-8001

Administration Fax: (312) 869-8077

Enforcement/File Disclosure Fax: (312) 869-8220

Federal Sector Fax: (312) 869-8125

Legal Fax: (312) 869-8124

Mediation Fax: (312) 869-8060

Website: [www.eeoc.gov](http://www.eeoc.gov)

EEOC Charge Numbers: 440-2009-03400, 440-2009-07053 and 440-2010-02912

Ms. Deidre Green  
1843 South Kedzie Avenue, 1<sup>st</sup> Flr.  
Chicago, IL 60623

Charging Party

v.

City of Chicago, Chicago Fire Department  
Office of the Fire Commissioner  
10 West 35<sup>th</sup> Street, 14<sup>th</sup> Floor  
Chicago, IL 60616

Respondent

**DETERMINATION**

Under the authority vested in me by the Procedural Regulations of the Equal Employment Opportunity Commission (EEOC), I issue the following determination on the merits of the subject charges filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII).

The Respondent is an employer within the meaning of Title VII, and all requirements for coverage have been met.

Charging Party alleges that she was discriminated against because of her race, Black, in that she was disciplined and suspended, and that she was discriminated against because of her sex, female, in that she was subjected to sexual harassment, in violation of Title VII. Charging Party also alleges that she was retaliated against for filing a charge of race discrimination and for complaining of and opposing sexual harassment in that she was subjected to continued harassment, intimidation, threats, and adverse terms and conditions of employment, including but not limited to, vacation being denied, a merit increase being delayed, being disciplined, having her seniority reduced, being a target for layoff, and being forced to take medical leave, in violation of Title VII.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against the Charging Party because of her sex, female, by subjecting her to sexual harassment, in violation of Title VII.

**CHARGE OF DISCRIMINATION – Deidre Green**

**I. A. ISSUE/BASIS**

1. Quid pro quo sexual harassment and impermissible retaliation following sexual harassment

**B. PRIMA FACIE ALLEGATIONS**

1. I began my employment with Respondent in or around 1989.
2. My current position is Field Payroll Auditor.
3. Beginning in July of 2008, Fire Commissioner John Brooks began sexually harassing me both in and out of the office, including but not limited to making suggestive telephone calls, inquiring into my personal relationships, indicating that he desired me in a sexual manner and wanting to see my breasts. I found the conduct offensive and rejected the sexual suggestions and advances of Commissioner Brooks, my ultimate supervisor, and I complained to him that I felt his actions were inappropriate.
4. Because of my complaints to Brooks and rejection of Brooks' advances, Brooks began a pattern of behavior meant to intimidate, threaten and retaliate against me, including but not limited to telling me that he had saved my job in October of 2008 but that he could fire me and that I would have to sue the fire department to get my job back.
5. In retaliation for my complaints to Brooks and rejection of Brooks' sexual suggestions and advances, respondent adversely affected and continues to affect the terms and conditions of my employment, in a manner which includes but is not limited to the respondent denying my vacation time, threatening that my merit increase would be withheld, delaying payment of said increase, unjustifiable discipline, reducing my seniority due to said discipline, denying legitimate vacation requests, unjustifiably subjecting me to disparate and harassing work conditions while other similarly situated employees are not subjected to said conditions, targeting me for layoff as of June 17, 2009 and various other acts of retaliation resulting in my being forced to take a medical leave in early 2010.
6. My complaints of the aforementioned sexual harassment and retaliation to the City of Chicago Office of Compliance, upon information and belief, were quashed by Compliance Executive Director, Anthony Boswell.
7. Said sexual harassment and retaliatory misconduct is in violation of Title VII of the Civil Rights Act of 1964, as amended.

**Determination**

**EEOC Charge Numbers: 440-2009-03400, 440-2009-07053, and 440-2010-02912**

**Page 2**

I have also determined that Respondent retaliated against the Charging for filing a charge of race discrimination and for complaining of and opposing sexual harassment, by subjecting her to continued harassment, intimidation, threats, and adverse terms and conditions of employment, including but not limited to, denying her a merit increase, disciplining her, reducing her seniority targeting her for layoff, and forcing her to take medical leave, in violation of Title VII.

I have further determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against a class of individuals, including the Charging Party, because of their race, Black, and in retaliation for engaging in protected activity by subjecting them to discipline, suspension, and/or discharge, in violation of Title VII.

This determination is final. When the Commission finds that a violation has occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 C.F.R. Part 1601.26).

If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement; that proposal should be provided to the Commission representative within 14 days of the date of this determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole and to provide corrective and preventive relief. These remedies may include, as appropriate, an agreement by the Respondent not to engage in unlawful employment practices, placement of identified victims in positions they would have held but for discriminatory actions, back pay, restoration of lost benefits, injunctive relief, compensatory and/or punitive damages, and notice to employees of the violation and the resolution of the claim.

Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage it to contact the assigned Commission representative. Should there be no response from the Respondent in 14 days, we may conclude that further conciliation efforts would be futile or nonproductive.

On Behalf of the Commission:

9/19/12  
Date

John P. Rowe  
John P. Rowe  
District Director



**U.S. Department of Justice**

**Civil Rights Division**

JS:KDW:KLF  
DJ 170-23-0

*Employment Litigation Section - PHB*  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
[www.usdoj.gov/crt/emp](http://www.usdoj.gov/crt/emp)

**NOV 04 2013**

**NOTICE OF RIGHT TO SUE WITHIN 90 DAYS**

**CERTIFIED MAIL 7010 0290 0000 2012 4806**  
**RETURN RECEIPT REQUESTED**

Ms. Deidre K. Green  
c/o Allison Chaplick, Esquire  
Law Offices of Malkinson & Halpern  
208 S. LaSalle St., Ste. 1750  
Chicago, IL 60604

**Re:** Deidre K. Green v. City of Chicago, Fire Department, EEOC  
Charge Nos. 440-2009-03400, 440-2009-07053 & 440-2010-02912

Dear Ms. Green:

It has been determined that the Department of Justice will not file suit on the above-referenced charge of discrimination that was referred to us by the Equal Employment Opportunity Commission (EEOC). This should not be taken to mean that the Department of Justice has made a judgment as to whether or not your charge is meritorious.

You are hereby notified that conciliation in this matter was unsuccessful by the EEOC. You are further notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et seq., against the above-named respondent. If you choose to commence a civil action, such suit must be filed in the appropriate court within 90 days of your receipt of this Notice.

We are returning the files in this matter to EEOC's Chicago District Office. If you or your attorney have any questions concerning this matter or wish to inspect the investigative file, please feel free to address your inquiry to: John P. Rowe, Director, EEOC, 500 W. Madison St., Ste. 2000, Chicago, IL 60661.

Sincerely,

Jocelyn Samuels  
Acting Assistant Attorney General  
Civil Rights Division

By:

Karen D. Woodard  
Deputy Chief  
Employment Litigation Section

cc: Deidre K. Green  
Cicely J. Porter-Adams, Chief Labor Negotiator  
City of Chicago, Fire Department  
EEOC, Chicago District Office